

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

DAVID CHRISTENSON and
ANNIKEN PROSSER

Plaintiffs,

v.

ALEX AZAR II, in his official capacity as the
Secretary of the Department of Health and
Human Services.

Defendant.

Case No. 20-194-WCG

**AFFIDAVIT OF JAMES C. PISTORINO IN SUPPORT
OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
AND OPPOSITION TO CROSS-MOTION FOR SUMMARY JUDGMENT**

James C. Pistorino, Esq., being duly sworn, deposes and say as follows:

1. I am an attorney with the law firm Parrish Law Offices. I represent the Plaintiffs in the above-captioned action. I submit this Affidavit in support of Plaintiffs' Motion for Summary Judgment.
2. Attached hereto as Exhibit Q are true and correct copies of status reports filed by the Secretary in *American Hospital Association v. Azar*, Case No. 14-cv-851 (D.D.C.) (pending) filed on March 23, 2020 and December 21, 2018.
3. Attached hereto as Exhibit R is a true and correct copy of excerpts from a brief filed on April 21, 2020, in *Lewis v. Azar*, Case No. 18-cv-2929 (D.D.C.) (pending).
4. Attached hereto as Exhibit S is a true and correct copy of excerpts from M. BIGELOW, "A TREATISE ON THE LAW OF ESTOPPEL OR OF INCONTESTABLE RIGHTS", Chap. 2, § 2 (6th ed. 1913).

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Dated: May 19, 2020

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a curved flourish.

James C. Pistorino, Esq.
PARRISH LAW OFFICES
788 Washington Road
Pittsburgh, PA 15228
(412) 561-6250
james@dparrishlaw.com

Attorney for Plaintiffs